

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DEREK FOLLEY,

Plaintiff,

: Case No. 3-22-cv-16

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

BARBARA P. GORMAN, et al.,

:

Defendants.

**DECISION AND ORDER DENYING MOTION TO STAY
PROCEEDING PENDING APPEAL**

This case, brought *pro se* by Plaintiff Derek Folley, is before the Court on Plaintiff's Motion pursuant to Fed.R.Civ.P. 62 to stay these proceedings pending an appeal to the Sixth Circuit (ECF No. 97).

Plaintiff has no pending appeal and he does not indicate what ruling of this Court he intends to appeal. There is no interlocutory order of this Court which grants or refuses to grant injunctive relief and thus could be appealed under 28 U.S.C. § 1292 nor has any final judgment been entered.

Accordingly Plaintiff is not entitled to a stay of proceedings under Fed.R.Civ.P. 62 and his Motion for that relief is DENIED.

March 25, 2022.

s/ Michael R. Merz
United States Magistrate Judge